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Transcript of Shane M. Jenkins

Date: October 23, 2020

Case: Jenkins -v- Wal-Mart Stores, Inc.

Planet Depos

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

- - - - -

SHANE M. JENKINS, on :
behalf of himself and :
others similarly :
situated, :
Plaintiff, : Civil Action No.
v. : 2:19cv271
WAL-MART STORES, :
INC., :
Defendant. :

- - - - -

VIDEOTAPED DEPOSITION OF SHANE M. JENKINS
Norfolk, Virginia
Friday, October 23, 2020
11:08 a.m.

Job No.: 325035
Pages: 1 - 134
Reported By: Tracy Hand, RPR

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1 Videotaped deposition of SHANE M. JENKINS, held
2 at the offices of:

3
4
5 Planet Depos - Norfolk
6 580 East Main Street
7 Crown Center
8 Suite 301
9 Norfolk, Virginia 23510
10 (757) 461-1984
11
12
13
14

15 Pursuant to notice, before Tracy Hand, RPR,
16 Notary Public in and for the Commonwealth of
17 Virginia.
18
19
20
21
22

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

GARY M. BOWMAN, ESQUIRE

2728 Colonial Avenue, Suite 100

Roanoke, Virginia 24015

(540) 343-1173

ON BEHALF OF THE DEFENDANT:

KARISSA T. KASEORG, ESQUIRE

McCandlish Holton, P.C.

1111 East Main Street, #2100

Richmond, Virginia 23219

(804) 344-6316

ALSO PRESENT:

Roque King, videographer

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1	Q Okay. So you just -- you can pull it out?	12:21:14
2	A Right.	12:21:16
3	Q And when you got your receipt, where did	12:21:16
4	you put it?	12:21:19
5	A My shorts pocket.	12:21:20
6	Q What were you wearing that day?	12:21:35
7	A Shorts and a shirt.	12:21:38
8	Q Do you know the -- was your shirt white?	12:21:40
9	A It was tan, maybe the color of her pants	12:21:43
10	there.	12:21:46
11	Q Okay. Were your pants -- were your shorts	12:21:48
12	cargo shorts?	12:21:55
13	A Yes.	12:21:56
14	Q Okay. So what I -- when I think of cargo	12:21:56
15	shorts, I think of pockets up near my sort of hips	12:22:00
16	and then pockets on my legs that are the cargo	12:22:05
17	pockets.	12:22:07
18	A Uh-huh.	12:22:07
19	Q Do you remember whether you put your	12:22:08
20	receipt in your sort of up -- hand pockets or the	12:22:09
21	cargo pockets?	12:22:13
22	A I -- I remember that the video would show	12:22:14

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1 the police officer pulling the receipt out of my 12:22:24

2 pocket. 12:22:26

3 Q Do you have a specific independent 12:22:30

4 recollection of putting it there necessarily? 12:22:32

5 A No. I usually either put it in my pocket 12:22:34

6 or I put it in the bag. 12:22:38

7 Q Okay. Do you keep your wallet in your 12:22:39

8 cargo pocket? 12:22:41

9 A My right front pocket. 12:22:42

10 Q Your right front pocket. Okay. 12:22:45

11 So, in your own words, if you would, walk 12:22:50

12 me through what happened as you left the store. 12:22:58

13 A So I had finished paying and I was 12:23:03

14 walking; I was just -- in my mind, I was thinking 12:23:07

15 of the things I needed to do that day. 12:23:10

16 And I get through the outside into the 12:23:14

17 parking lot and I feel the -- the Wal-Mart greeter 12:23:20

18 grab my shopping cart and he yanked it away. And 12:23:25

19 I recall asking him, What are you doing, as I'm 12:23:30

20 disoriented because he pulled the shopping cart 12:23:33

21 away. And he said, Show me your receipt. 12:23:35

22 And at that point two bystanders stepped 12:23:39

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1	in to assist him and they tackled me to the	12:23:43
2	ground.	12:23:47
3	Q Okay. When you -- when is the first	12:23:52
4	moment you became aware of the Wal-Mart greeter?	12:24:02
5	A Oh, when he grabbed my cart and yanked it	12:24:07
6	away.	12:24:11
7	Q Did you see him out of your periphery at	12:24:11
8	all before he grabbed the cart?	12:24:21
9	A No, ma'am.	12:24:23
10	Q Okay. And -- okay.	12:24:28
11	Okay. You said he grabbed the shopping	12:24:38
12	cart. Was that -- what portion of the shopping	12:24:40
13	cart did he grab?	12:24:45
14	A He must have grabbed the -- the front of	12:24:48
15	it because he pulled it -- just the way it	12:24:51
16	flipped, he must have grabbed towards the front of	12:24:54
17	it and pulled it.	12:24:56
18	Q Were you still holding onto the grocery	12:24:57
19	cart?	12:25:00
20	A Yes.	12:25:00
21	Q Did you try to pull it back at all?	12:25:02
22	A No, ma'am. I was completely disoriented,	12:25:04

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1	ambulance arrive?	13:06:18
2	A Yes, ma'am.	13:06:20
3	Q And did you get on the ambulance?	13:06:22
4	A Yes, ma'am.	13:06:25
5	Q What do you recall taking place on the	13:06:26
6	ambulance?	13:06:31
7	A I remember the phone call to my wife.	13:06:35
8	Q Was your wife at home? Do you want to	13:06:56
9	take a minute?	13:07:00
10	MR. BOWMAN: Shane, we can take a break if	13:07:05
11	you want to.	13:07:07
12	MS. KASEORG: I passed you Kleenex if you	13:07:07
13	want to hand them to your client.	13:07:12
14	MR. BOWMAN: Oh, thank you.	13:07:13
15	MS. KASEORG: Yeah.	13:07:14
16	MR. BOWMAN: There are some tissues, also.	13:07:15
17	THE WITNESS: Can I go to the bathroom?	13:07:15
18	MS. KASEORG: Uh-huh.	13:07:37
19	THE VIDEOGRAPHER: Hold on a second.	13:07:37
20	Don't forget your microphone, sir.	13:07:37
21	We're going off the video record at	13:07:37
22	1:07 p.m.	13:07:40

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1	(Recess.)	13:07:43
2	THE VIDEOGRAPHER: We're back on the video	13:12:14
3	record at 1:12 p.m.	13:12:16
4	BY MS. KASEORG:	13:12:23
5	Q All right, Shane, so you mentioned that	13:12:23
6	you made a phone call to your wife when you were	13:12:27
7	being looked at by the EMTs.	13:12:29
8	A I asked them if they could call my wife.	13:12:31
9	Q Okay.	13:12:34
10	A Let her know that I was okay.	13:12:35
11	Q Okay. What hospital did you go to?	13:12:36
12	A I think it was called Tri-City Hospital.	13:12:41
13	Q Okay. Had you ever had to go to that	13:12:44
14	hospital before?	13:12:48
15	A Not that I recall.	13:12:50
16	Q Did the ambulance take you there?	13:12:57
17	A Yes, ma'am.	13:12:59
18	Q Did you at least get to -- did they -- did	13:12:59
19	they use the sirens?	13:13:12
20	A I don't -- I don't know.	13:13:14
21	Q Okay. So when you got to the Tri-City,	13:13:15
22	that hospital, was your wife or anybody able to	13:13:21

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1	come to the hospital?	13:13:24
2	A My wife came.	13:13:32
3	Q Okay. Do you know how she got there?	13:13:33
4	A Her friend drove her.	13:13:38
5	Q Her friend brought her?	13:13:46
6	A (Nonverbal response given.)	13:13:48
7	Q Did her friend come in with her?	13:13:49
8	A No, ma'am. They were preparing for a	13:13:52
9	party.	13:13:58
10	Q Preparing for a party?	13:13:59
11	A (Nonverbal response given.)	13:14:01
12	Q What type of party?	13:14:02
13	A I don't recall.	13:14:09
14	Q When was the party to take place?	13:14:15
15	A I think it was that night.	13:14:18
16	Q Did you end up having some friends come	13:14:22
17	over for the party later that night?	13:14:36
18	A It wasn't our party. We didn't go	13:14:38
19	anywhere. It was our friend's party.	13:14:41
20	Q Oh, friend's party, okay. Was your wife	13:14:44
21	helping out?	13:14:47
22	A (Nonverbal response given.)	13:14:48

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1	Q Was your wife able to go to your friend's	13:14:48
2	party that night?	13:14:51
3	A (Nonverbal response given.)	13:14:52
4	Q Did you go?	13:14:53
5	A (Nonverbal response given.)	13:14:53
6	Q What friend was it?	13:14:56
7	A Mark and Rem Beronili.	13:14:58
8	Q Mark?	13:15:06
9	A (Nonverbal response given.)	13:15:07
10	I think Rem was the one who brought her.	13:15:08
11	Q Can you spell that for me?	13:15:11
12	A I don't know how to spell their last name.	13:15:13
13	Q Okay.	13:15:15
14	A B-E-R-O-N-I-L-I (sic).	13:15:15
15	Q And Mark, what was his wife's first name?	13:15:27
16	A Rem, R-E-M.	13:15:30
17	Q Oh. And do you recall about how long you	13:15:31
18	were at the hospital?	13:15:40
19	A No, ma'am.	13:15:41
20	Q Were you able to leave that same day?	13:15:41
21	A Yes, ma'am.	13:15:44
22	Q Okay. How did you -- well, where did you	13:15:45

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1	go when you left the hospital?	13:15:50
2	A Walked to get my car.	13:15:51
3	Q Did you and your wife walk?	13:16:03
4	A Yes, ma'am.	13:16:05
5	Q Do you know about how long the walk is?	13:16:05
6	A (Nonverbal response given.)	13:16:07
7	Q Did you hear my question?	13:16:52
8	A No, ma'am.	13:16:55
9	Q Okay. Do you know about how far the walk	13:16:56
10	is?	13:16:59
11	A (Nonverbal response given.)	13:16:59
12	MR. BOWMAN: Can you make an audible	13:17:02
13	answer, please?	13:17:03
14	THE WITNESS: No, ma'am.	13:17:04
15	BY MS. KASEORG:	13:17:05
16	Q Was that from the hospital to the Colonial	13:17:08
17	Heights Wal-Mart?	13:17:13
18	A Yes, ma'am.	13:17:13
19	Q Okay. And when you went to get your car,	13:17:13
20	did you go into the store at all?	13:17:29
21	A No, ma'am.	13:17:32
22	Q Was the car still in the parking lot?	13:17:32

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1	A Yes, ma'am.	13:17:43
2	Q When you got your car, did you drive it	13:17:45
3	home?	13:17:57
4	A We went to file criminal charges --	13:18:03
5	THE COURT REPORTER: I'm sorry?	13:18:03
6	THE WITNESS: We went to file criminal	13:18:03
7	charges against the people who attacked me.	13:18:11
8	BY MS. KASEORG:	13:18:21
9	Q And did you drive?	13:18:21
10	A Yes, ma'am. Yes, ma'am.	13:18:23
11	Q So when you drove, are you saying you went	13:18:25
12	to the Colonial Heights Police Department?	13:18:28
13	A Yes, ma'am.	13:18:30
14	Q Do you remember who you spoke to there?	13:18:31
15	A Officer Duncan.	13:18:33
16	Q Is that the only police officer you spoke	13:18:44
17	to while you were at the police department?	13:18:54
18	A Yes, ma'am.	13:18:56
19	Q And what did you, if anything, ask Officer	13:18:56
20	Duncan to do?	13:19:06
21	A I asked if I could file criminal charges	13:19:15
22	against the people who attacked me.	13:19:18

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1	Q Which people, specifically, are you	13:19:20
2	referring to?	13:19:21
3	A The greeter and the person who shoved my	13:19:23
4	head into the parking lot.	13:19:28
5	Q The greeter and John Doe 1?	13:19:39
6	A Yes.	13:19:41
7	Q And what did Officer Duncan tell you?	13:19:48
8	A He said that the video clearly showed that	13:19:51
9	nobody ever touched me and I just threw myself on	13:19:53
10	the ground. They would not let me file -- he	13:19:57
11	would not let me file no charges.	13:20:05
12	Q And when you say he would not let you file	13:20:07
13	charges, did he say you could not or he would not	13:20:10
14	file charges on your behalf?	13:20:13
15	A Can you ask it again?	13:20:14
16	Q Uh-huh. Did he tell you that he would not	13:20:25
17	file criminal charges or you were not allowed to	13:20:27
18	file criminal charges?	13:20:29
19	A I don't remember the specifics.	13:20:32
20	Q When you spoke with Officer Duncan, was	13:20:46
21	anybody else in the room?	13:20:54
22	A My wife.	13:20:54

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1	Q Do you think that the police were wrong in	13:20:55
2	not working with you to file criminal charges?	13:21:21
3	A I'm just confused. I never knew that a	13:21:25
4	person who was attacked couldn't file criminal	13:21:46
5	charges. I'm still confused.	13:21:50
6	Q You said you're confused. Are you saying	13:21:52
7	that the police -- you don't believe the police	13:21:58
8	were wrong?	13:22:01
9	A Repeat the question.	13:22:01
10	Q Uh-huh. Do you think that the police were	13:22:04
11	wrong in declining to file criminal charges?	13:22:09
12	A I'm not an expert on criminal law, but I	13:22:36
13	thought that somebody could give like -- like a --	13:22:42
14	like an allegation of criminal conduct and then	13:22:53
15	the police could investigate it if they want to or	13:22:57
16	not investigate it and maybe give it to the	13:23:00
17	prosecutor.	13:23:04
18	But I always thought that a person could	13:23:05
19	do that. I didn't know that a person could just	13:23:07
20	not give those allegations -- like a written	13:23:10
21	allegations to the police. I thought it was	13:23:16
22	called a complaint.	13:23:18

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1	A I don't know.	13:48:43
2	Q I had asked you when did you start	13:48:44
3	recording.	13:49:37
4	A I don't know. Whenever I saw them, I	13:49:39
5	started.	13:49:44
6	Q When you were recording, were you	13:49:45
7	recording yourself or the incident? Like, where	13:49:54
8	was the camera facing?	13:49:57
9	A The incident.	13:49:58
10	Q What did you -- well, did you think you	13:50:01
11	were going to see something specific?	13:50:09
12	A I was just scared.	13:50:11
13	Q I want to circle back to your conversation	13:50:16
14	with the police at the police department. I think	13:51:20
15	you said you talked to Officer Duncan?	13:51:23
16	A Yes, ma'am.	13:51:26
17	Q Okay. Did Officer Duncan discuss with you	13:51:27
18	the items you purchased at Wal-Mart that day?	13:51:32
19	A He mentioned -- I don't remember the exact	13:51:56
20	words, but he mentioned that -- he mentioned twice	13:52:02
21	that I should be lucky they didn't handcuff me.	13:52:08
22	Q I'm sorry, Officer Duncan said you should	13:52:13

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1	be lucky they didn't handcuff you?	13:52:16
2	A I'm paraphrasing, but that's the substance	13:52:18
3	of how I interpreted it.	13:52:22
4	Q Did he tell you that the items you had	13:52:24
5	purchased were at the Wal-Mart if you wanted to go	13:52:37
6	and retrieve them?	13:52:40
7	A Yes.	13:52:47
8	Q And at any time, did you or have you gone	13:52:50
9	to try to retrieve them from the Colonial Heights	13:52:54
10	Wal-Mart?	13:52:58
11	A I was too scared to go back to the	13:52:59
12	Wal-Mart.	13:53:01
13	Q So you haven't gone back to the Wal-Mart?	13:53:01
14	A I haven't been back to Wal-Mart since the	13:53:20
15	incident.	13:53:22
16	Q Did you call the Wal-Mart to talk about	13:53:23
17	your purchases at all after the incident?	13:53:36
18	A Yes. They wouldn't talk to me.	13:53:41
19	Q Who did you try to talk to?	13:53:43
20	A I called and I asked about -- I asked	13:53:45
21	about the attack, and they said that they couldn't	13:53:52
22	talk to me. It was Maria.	13:53:59

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1	Q Oh, you asked about the attack?	13:54:03
2	A Yes.	13:54:05
3	Q Okay. Did you ask, specifically, about	13:54:05
4	the items you purchased?	13:54:10
5	A No, ma'am.	13:54:12
6	Q So with regard to this case, specifically,	13:54:12
7	Shane Jenkins and Jeremiah Henderson against	13:54:28
8	Wal-Mart stores -- I may have already asked you,	13:54:32
9	so I apologize if I'm asking you a second time --	13:54:37
10	but you initially represented yourself; is that	13:54:39
11	right?	13:54:42
12	A Yes, ma'am.	13:54:43
13	Q Did you ever represent Jeremiah Henderson?	13:54:44
14	A No, ma'am.	13:54:51
15	MR. BOWMAN: Well, he answered it already.	13:54:56
16	BY MS. KASEORG:	13:55:05
17	Q I guess I should ask -- and I know you	13:55:05
18	said you are licensed in Virginia. Do you have an	13:55:07
19	active bar membership?	13:55:10
20	A Yes, ma'am.	13:55:12
21	Q I'm sorry, did you say --	13:55:12
22	A Yes, ma'am.	13:55:13

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1	Q Thank you. Sorry, I'm -- sometimes I'm	13:55:14
2	hard of hearing here.	13:55:15
3	So then did you draft the original	13:55:16
4	complaint --	13:55:21
5	A The --	13:55:25
6	Q -- in this case?	13:55:25
7	A The one with that person?	13:55:28
8	Q No, the -- the one that says Shane	13:55:30
9	Jenkins, Esquire, on behalf of himself and others	13:55:32
10	similarly situated --	13:55:36
11	A Yes, ma'am.	13:55:37
12	Q -- versus Wal-Mart stores, Inc.?	13:55:38
13	A Yes, ma'am.	13:55:40
14	Q Okay. In Paragraph 5 of that complaint	13:55:42
15	you say, "Wal-Mart greeters are trained, whether	13:55:57
16	formally or informally, to physically touch a	13:56:00
17	consumer or grab a consumer's shopping cart. This	13:56:03
18	type of treatment has imposed unreasonable risk of	13:56:06
19	serious bodily harm or death on innocent Americans	13:56:10
20	with disabilities who become the unwitting target	13:56:13
21	of a Wal-Mart greeter and who are detained or	13:56:15
22	assaulted. This risk is a constructive barrier to	13:56:19

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1	Q -- certified this class action complaint.	14:00:30
2	When you filed your complaint	14:00:41
3	originally -- well, strike that.	14:00:54
4	You said that you do not know Jeremiah	14:00:56
5	Henderson. Have you read through the amended	14:01:21
6	complaint in this case?	14:01:24
7	A I've read the complaint.	14:01:30
8	Q Okay. And when you say "I've read the	14:01:32
9	complaint," we are referring to the amended	14:01:36
10	complaint?	14:01:38
11	A The amended complaint.	14:01:39
12	Q That complaint goes through facts relating	14:01:41
13	to Jeremiah Henderson. Are you -- do you have any	14:01:48
14	personal knowledge of any of those facts then?	14:01:53
15	A No, ma'am.	14:01:57
16	Q I appreciate all the time you're spending	14:02:58
17	to answer my questions. A few to sort of wrap up	14:03:01
18	here.	14:03:05
19	I think we've kind of danced around this,	14:03:06
20	but, specifically, you did not show your receipt	14:03:10
21	to the Wal-Mart greeter; is that accurate?	14:03:12
22	A Yes, ma'am.	14:03:15

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1	Q Do you have any intention of returning to	14:03:16
2	the Colonial Heights Wal-Mart?	14:03:21
3	A It depends on a lot of things outside my	14:03:22
4	control.	14:03:48
5	Q As we sit here today, do you currently	14:03:48
6	have any intention of returning to the Colonial	14:03:50
7	Heights Wal-Mart?	14:03:53
8	A I would like to be able to shop at all	14:03:53
9	Wal-Marts.	14:04:05
10	Q Are you precluded by Wal-Mart from	14:04:07
11	shopping in any of their stores?	14:04:10
12	A I don't feel comfortable with their	14:04:13
13	policy.	14:04:22
14	Q Have you been precluded by Wal-Mart at	14:04:22
15	shopping at any of their stores?	14:04:25
16	A Directly or indirectly?	14:04:34
17	Q You can answer the question however you	14:04:48
18	see fit. The question is, have you been precluded	14:04:49
19	by Wal-Mart from shopping at any of their stores?	14:04:52
20	A I think their loss prevention policies are	14:04:57
21	a constructive barrier.	14:05:08
22	Q Has anyone at Wal-Mart stopped you from	14:05:10

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1	coming into a Wal-Mart?	14:05:16
2	A No, ma'am.	14:05:19
3	Q Do you have anything in writing from	14:05:21
4	someone at Wal-Mart saying that you are not	14:05:26
5	welcome to shop at their stores?	14:05:27
6	A No, ma'am.	14:05:29
7	Q You said that returning to shop at	14:05:30
8	Wal-Mart would depend on a host of factors. What	14:05:43
9	are those factors?	14:05:48
10	A If they change their current policies.	14:05:49
11	Q What specific policy?	14:05:58
12	A This loss prevention policy.	14:06:00
13	Q What -- what aspect of that policy are you	14:06:09
14	referring to?	14:06:18
15	A Having greeters do receipt checking.	14:06:22
16	Q I'd like to talk to you about the injuries	14:06:30
17	you sustained at Wal-Mart. Can you tell me from	14:07:35
18	the top of your head to the bottom of your feet,	14:07:42
19	so to speak, all of the physical injuries you	14:07:47
20	sustained, as well as any emotional injuries?	14:07:50
21	A So I had the laceration on my back,	14:07:53
22	bruising on my chest here, abrasions and cuts on	14:07:57

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	the top of my head, some cuts on my elbow, the	14:08:04
2	broke -- the crushed glasses, and anxiety and	14:08:12
3	post-traumatic stress afterwards.	14:08:19
4	Q Okay. Starting with the last thing you	14:08:28
5	mentioned, post-traumatic stress and anxiety, have	14:08:32
6	you been diagnosed with anxiety?	14:08:37
7	A You mean before the incident?	14:08:38
8	Q Any time.	14:08:47
9	A The Patient First doctor diagnosed me with	14:08:51
10	anxiety and gave me some medication after the	14:08:55
11	attack.	14:08:58
12	Q So are you saying the Patient First doctor	14:09:01
13	on June --	14:09:04
14	A 17th.	14:09:07
15	Q -- 17th, 2018, diagnosed you with anxiety?	14:09:08
16	A Yes.	14:09:11
17	Q And have you gone to any doctors after	14:09:12
18	that for anxiety medication follow-ups or anxiety	14:09:17
19	treatment?	14:09:21
20	A No, ma'am.	14:09:21
21	Q Has any medical professional diagnosed you	14:09:22
22	at any time with PTSD?	14:09:33

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	A	No, ma'am.	14:09:35
2	Q	Have you ever been diagnosed with anxiety	14:09:35
3		prior to the incident at Wal-Mart?	14:09:42
4	A	No, ma'am.	14:09:44
5	Q	You mentioned that your glasses were	14:09:44
6		crushed?	14:09:53
7	A	Yes, ma'am.	14:09:55
8	Q	Did you take pictures of your glasses?	14:09:55
9	A	Yes, ma'am.	14:09:59
10	Q	Did you purchase new glasses?	14:10:08
11	A	Yes, ma'am.	14:10:13
12	Q	What about your glasses were unusable, if	14:10:14
13		you could describe it to me?	14:10:19
14	A	The frame was bent out of shape and	14:10:21
15		wouldn't fit on my face anymore.	14:10:28
16	Q	Okay.	14:10:30
17	MS. KASEORG:	I have three pictures here.	14:10:34
18		I'm sorry, there's something in the corner. I	14:10:37
19		think these were given to me by -- by your	14:10:39
20		attorney.	14:10:43
21		I forget what exhibit we're up to now.	14:10:43
22		Six? I'm going to collectively mark these three	14:10:49

Transcript of Shane M. Jenkins
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1	as Exhibit 6.	14:10:51
2	(Defendant's Exhibit 6 was marked.)	14:10:52
3	MS. KASEORG: And I'm going to hand these	14:11:07
4	to your attorney.	14:11:09
5	MR. BOWMAN: Thank you.	14:11:10
6	BY MS. KASEORG:	14:11:10
7	Q Are these pictures images of your glasses	14:11:19
8	after the incident?	14:11:21
9	A Yes, ma'am.	14:11:22
10	Q What happened to those glasses?	14:11:25
11	A You can see in the exhibit the frame's	14:11:27
12	kind of twisted and distorted inward.	14:11:31
13	Q Did you throw them away?	14:11:36
14	A No, ma'am. But I don't know where they	14:11:37
15	are.	14:11:44
16	Q Did you take the glasses to an eye doctor?	14:11:44
17	A No, ma'am.	14:11:52
18	Q Did you take the glasses to any shop	14:11:53
19	that -- that sells glasses to see if they could	14:11:59
20	look at the glasses for you?	14:12:05
21	A No, ma'am.	14:12:07
22	Q Why not?	14:12:07

Transcript of Shane M. Jenkins
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1	A I just used an old pair of glasses that I	14:12:08
2	had. I was scared to go anywhere.	14:12:19
3	Q Well, you're here today with glasses on.	14:12:21
4	Are these new glasses?	14:12:29
5	A Yes, ma'am.	14:12:31
6	Q When did you get them?	14:12:32
7	A From the LensCrafters, and we provided the	14:12:33
8	receipt.	14:12:39
9	Q Do you know about when you got them?	14:12:40
10	A I had to schedule an eye exam because my	14:12:42
11	old pair of glasses, the prescription was too	14:12:51
12	weak, and so whenever the next available date was	14:12:58
13	that they were able to see me, and then that's	14:13:02
14	when I ordered them. It took a couple days, like	14:13:05
15	a week afterwards to get the glasses.	14:13:10
16	Q So you went to a doctor's appointment --	14:13:12
17	A Yes, ma'am.	14:13:14
18	Q -- to have your eyes looked at?	14:13:15
19	A Yes, ma'am.	14:13:17
20	Q Okay. And at that doctor's appointment,	14:13:18
21	did you take the glasses that we see in these	14:13:23
22	pictures with you?	14:13:26

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	A	No, ma'am.	14:13:27
2	Q	Why not?	14:13:28
3	A	I just didn't.	14:13:29
4	Q	Without going through each one of them, do	14:14:27
5		you recall taking pictures of your -- so you	14:14:30
6		mentioned you had a laceration on your back,	14:14:39
7		bruising to your chest, cuts on your elbow, I	14:14:41
8		guess a contusion on your head. Did you take	14:14:45
9		pictures or have your wife take pictures of -- of	14:14:48
10		each of those?	14:14:50
11	A	Yes, ma'am.	14:14:51
12	Q	Okay. And did you give those to your	14:14:51
13		attorney, who gave those pictures to me?	14:14:55
14	A	I believe so, yeah.	14:14:57
15	Q	Okay. Do you think that the pictures you	14:14:59
16		took capture the physical injuries that we've	14:15:02
17		discussed?	14:15:08
18	A	The one on my head's hard to see in the	14:15:13
19		pictures.	14:15:16
20	Q	Okay. I will -- I will show you --	14:15:19
21		MS. KASEORG: I think we're at 7.	14:15:28
22		(Defendant's Exhibit 7 was marked.)	14:15:42

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	BY MS. KASEORG:	14:15:42
2	Q When I look at this picture, I see sort of	14:15:42
3	a -- a red circle. I'll let you take a look at	14:15:45
4	it.	14:15:48
5	Is that the -- the area of your head that	14:15:53
6	was hurt?	14:16:05
7	A Yes, ma'am.	14:16:06
8	Q Okay. Are there -- were there any other	14:16:06
9	areas of your head that were bruised that aren't	14:16:08
10	captured on that picture?	14:16:11
11	A Not that I'm aware of. My wife would know	14:16:13
12	better than I do.	14:16:15
13	Q You said your wife would know your own	14:16:16
14	injuries better than you?	14:16:18
15	A On the top of my head, yes.	14:16:19
16	Q Did you feel how your -- I mean, did you	14:16:21
17	feel that bruise?	14:16:30
18	A I didn't feel any of the injuries. I was	14:16:36
19	in too much shock.	14:16:44
20	Q Have you sought any subsequent medical or	14:17:00
21	psychological treatment after your last -- your	14:17:04
22	second visit to the hospital?	14:17:12

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	A	No, ma'am.	14:17:13
2	Q	Why not?	14:17:14
3	A	It's just something that time will	14:17:15
4		resolve, and it gets better with time.	14:17:20
5	Q	If you'll give me a moment. I've come to	14:17:49
6		the end of my notes. I'm just going to make sure	14:17:54
7		I didn't miss anything here.	14:17:57
8		I did want to confirm, it looks like in	14:19:23
9		your discovery responses you've said that you're	14:19:29
10		not claiming lost wages. Did you miss any days at	14:19:31
11		work for this?	14:19:34
12	A	I don't recall. It's been two years. I	14:19:35
13		don't recall. I don't recall. I came back	14:20:10
14		immediately.	14:20:11
15	Q	I'm sorry?	14:20:13
16	A	I came back immediately.	14:20:14
17	Q	You came back immediately?	14:20:16
18	A	Yeah. I didn't miss work.	14:20:17
19	Q	Oh, oh, oh, sorry. I -- I should've	14:20:19
20		processed that more quickly.	14:20:23
21		You mentioned that Bernice Edgerton -- you	14:20:25
22		mentioned her as a -- as someone who -- who might	14:20:31

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	know something about your -- your physical	14:20:34
2	injuries, pain and suffering.	14:20:36
3	Does your -- this is the mother that lives	14:20:39
4	in Virginia Beach?	14:20:45
5	A It's my mother, yes.	14:20:46
6	Q Your mother, okay.	14:20:48
7	And after this incident, did you -- when	14:20:51
8	did you first tell her what occurred, your mother?	14:20:55
9	A That day.	14:20:59
10	Q Did you call her, FaceTime her; how did	14:21:06
11	you-all get in touch?	14:21:09
12	A Called.	14:21:10
13	Q Did she come to Chester?	14:21:12
14	A (Nonverbal response given.)	14:21:21
15	Q Did she come to any of your doctors'	14:21:25
16	appointments?	14:21:32
17	A No, ma'am.	14:21:33
18	Q Did your wife come to any of your doctors'	14:21:34
19	appointments?	14:21:37
20	A Yes, ma'am.	14:21:38
21	Q You mentioned Galen Gresalfi?	14:21:40
22	A Yes, ma'am.	14:22:00

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	Q Did I pronounce that okay?	14:22:00
2	A (Nonverbal response given.)	14:22:02
3	Q All right. Is Mr. Gresalfi your current	14:22:03
4	manager?	14:22:08
5	A (Nonverbal response given.)	14:22:09
6	Q What is his title?	14:22:16
7	A Bureau manager.	14:22:18
8	Q I'm sorry, I didn't catch the first word.	14:22:18
9	A Bureau manager.	14:22:21
10	Q Hero?	14:22:25
11	A Bureau.	14:22:27
12	Q Oh, wow. Bureau manager, okay.	14:22:28
13	And what all have you shared with him	14:22:30
14	regarding this incident?	14:22:34
15	A I told him what had happened, and he told	14:22:36
16	me I could take as much time off as I -- as I	14:22:42
17	needed to.	14:22:45
18	Q Have you talked with him about -- well,	14:23:00
19	have you shown him any -- any video footage or	14:23:03
20	anything like that from the case?	14:23:08
21	A I don't -- I don't recall. I may have	14:23:16
22	shown him the interview.	14:23:19

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	THE COURT REPORTER: I'm sorry, what was	14:23:19
2	that last sentence?	14:23:19
3	THE WITNESS: I may have shown him the	14:23:19
4	interview on CBS.	14:23:22
5	BY MS. KASEORG:	14:23:24
6	Q Is that interview -- was that with Wayne?	14:23:24
7	A Yes, ma'am.	14:23:32
8	Q Was that broadcast online at all?	14:23:32
9	A Yes, ma'am.	14:23:44
10	Q Okay. Do you have a copy of that	14:23:46
11	broadcast?	14:23:55
12	MR. BOWMAN: Well, I object to the form of	14:23:56
13	the question. The use of the word "broadcast,"	14:23:59
14	it's a little bit vague.	14:24:01
15	Are you asking about the interview?	14:24:02
16	BY MS. KASEORG:	14:24:05
17	Q Was the interview put on -- online --	14:24:06
18	A Yes.	14:24:08
19	Q -- so that people could watch it?	14:24:08
20	A Yes.	14:24:10
21	Q Do you know whether it's still up online?	14:24:10
22	A I don't know.	14:24:12

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	Q Do you have a copy of what was previously	14:24:14
2	at least accessible online, a copy of that	14:24:21
3	interview?	14:24:25
4	A I recorded it with my phone.	14:24:25
5	Q Is that something you could get to your	14:24:38
6	attorney so that he can get it to me?	14:24:41
7	A Yes, ma'am.	14:24:43
8	THE VIDEOGRAPHER: Excuse me, ma'am.	14:25:48
9	MS. KASEORG: Yeah.	14:25:50
10	THE VIDEOGRAPHER: You have five minutes	14:25:50
11	remaining.	14:25:50
12	MS. KASEORG: Okay. That's good; it gives	14:25:50
13	me a hard out.	14:25:54
14	BY MS. KASEORG:	14:25:54
15	Q After this incident, did you talk to the	14:25:54
16	Wal-Mart greeter at all?	14:25:57
17	A No, ma'am.	14:25:58
18	Q Did you talk to any other employees of	14:25:59
19	Wal-Mart? You mentioned talking to a Maria	14:26:10
20	briefly on the phone. Other than Maria, did you	14:26:13
21	talk to anyone else from Wal-Mart after the	14:26:19
22	incident?	14:26:22

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	A No, ma'am.	14:26:22
2	MS. KASEORG: Thank you, Shane. I	14:26:33
3	appreciate your time.	14:26:34
4	THE WITNESS: Thank you.	14:26:36
5	MR. BOWMAN: I have just a few	14:26:38
6	questions.	14:26:39
7	EXAMINATION	14:26:37
8	BY MR. BOWMAN:	14:26:37
9	Q Shane, you said that Officer Duncan from	14:26:40
10	the Colonial Heights Police Department told you	14:26:43
11	that the items you purchased could be picked up by	14:26:46
12	you at Wal-Mart if you wanted to retrieve them; is	14:26:50
13	that correct?	14:26:53
14	A Yes, and he gave me the receipt back.	14:26:55
15	Q Okay. And -- and Officer Duncan told you	14:26:57
16	that you can retrieve the items at Wal-Mart?	14:27:01
17	A Yes.	14:27:05
18	Q Okay. When did he do that?	14:27:06
19	A In the ambulance.	14:27:09
20	Q After that, did any Wal-Mart employee tell	14:27:12
21	you you could return to the Colonial Heights store	14:27:19
22	to retrieve your purchases?	14:27:21

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1	A No, sir.	14:27:23
2	Q Did you receive the letter from CMI after	14:27:23
3	you were told by Officer Duncan you could return	14:27:32
4	to the store to retrieve your purchases?	14:27:37
5	A Yes, sir.	14:27:40
6	Q And did you telephone the store after	14:27:40
7	Officer Duncan said you could retrieve your	14:27:43
8	purchases?	14:27:45
9	A Yes, sir.	14:27:45
10	Q And did anyone tell you during that phone	14:27:45
11	call that you could come to the store and get your	14:27:49
12	purchases?	14:27:52
13	A No, sir.	14:27:52
14	MR. BOWMAN: Thanks. Those are all the	14:27:55
15	questions I have.	14:27:58
16	MS. KASEORG: I have one follow-up.	14:28:00
17	FURTHER EXAMINATION	14:28:01
18	BY MS. KASEORG:	14:28:01
19	Q Did any Wal-Mart employee tell you you	14:28:02
20	were not welcome back at the store?	14:28:04
21	A No, ma'am.	14:28:05
22	MS. KASEORG: Thanks.	14:28:07

Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1 THE VIDEOGRAPHER: This concludes the 14:28:10

2 deposition of Shane Jenkins. 14:28:11

3 We're going off the video record at 14:28:13

4 2:28 p.m. 14:28:16

5 (The deposition concluded at 2:28 p.m.)

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Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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ACKNOWLEDGMENT OF DEPONENT

I, SHANE M. JENKINS, do hereby acknowledge
that I have read and examined the foregoing
testimony and the same is a true, correct, and
complete transcription of the testimony given by
me and any corrections appear on the attached
errata sheet signed by me.

(SIGNATURE)

(DATE)

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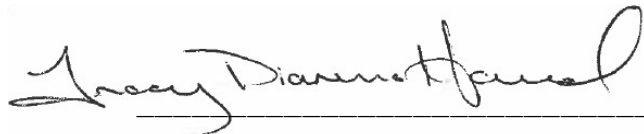
Transcript of Shane M. Jenkins
Conducted on October 23, 2020

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Tracy D. Hand, RPR, a Notary Public for the
3 Commonwealth of Virginia at Large, whose
4 commission expires April 30, 2022, do hereby
5 certify that the within deponent, SHANE M.
6 JENKINS, appeared before me at Norfolk, Virginia,
7 as hereinbefore set forth; and after being first
8 duly sworn by me, was thereupon examined upon his
9 oath by counsel; that his examination was recorded
10 in stenotype by me and reduced to typescript under
11 my direction; and that the foregoing transcript
12 constitutes a true, accurate, and complete
13 transcript. I further certify that I am not
14 related to nor otherwise associated with any party
15 or counsel to this proceeding, nor otherwise
16 interested in the event thereof.

17 Given under my hand and notarial seal at
18 Norfolk, Virginia, this 8th day of November,
19 2020.

20 

21 Tracy D. Hand, Notary Public

22 Registration Number 193795

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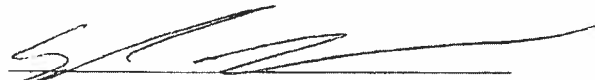
Re: Deposition of **Shane M. Jenkins**
Date: 10/23/2020
Case: Jenkins -v- Wal-Mart Stores, Inc.
Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Shane M. Jenkins, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

10-5-2020

(Date)



(Signature)

ERRATA SHEET

Page	Line	Correction/Change and Reason
54	16	I learned of Walmart's use of greeters to check receipts after the incident.
130	15	At the time, my paramount concern was pursuing criminal charges against my attacker. While pursuing criminal charges, I received a letter from CMI stating that I had no rights to the property. Further, when I called Walmart for assistance, the employee refused to speak with me. My recollection of Mr. Duncan stating to pick up my property at Walmart is from the police bodycam video.


SHANE JENKINS

11/24/2020

Date